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The situation in the Middle East

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Report of the Secretary-General*

Summary

The present report contains replies from Member States to the Secretary-General's note verbale of 27 June 2002 concerning implementation of the relevant provisions of General Assembly resolutions 56/31, entitled "Jerusalem", and 56/32, entitled "The Syrian Golan", of 3 December 2001.

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* The present report is being submitted on 14 October 2002 so as to include as much updated information as possible.

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I. Introduction

1. The present report is submitted in pursuance of General Assembly resolutions 56/31 and 56/32 of 3 December 2001. In its resolution 56/31, which deals with the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) of 20 August 1980, the Assembly called once more upon those States to abide by the provisions of the relevant United Nations resolutions. In resolution 56/32, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan in implementation of the relevant Security Council resolutions.

2. The Secretary-General, in order to fulfil his reporting responsibility under the above-mentioned resolutions, on 27 June 2002 addressed notes verbales to the Permanent Representative of Israel to the United Nations and to the Permanent Representatives of other Member States requesting them to inform him of any steps their Governments had taken or envisaged taking concerning the implementation of the relevant provisions of the above resolutions. As at 11 October 2002, replies had been received from Gambia, Israel, Japan, the Syrian Arab Republic and the United Arab Emirates. Those replies are reproduced in section II of the present report.

II. Replies received from Member States

Gambia

[Original: English]

1. With reference to General Assembly resolution 56/31, the Gambia has no diplomatic mission in Jerusalem and does not intend to transfer any of its missions in that region to Jerusalem.

2. With reference to resolution 56/32, the Gambia fully supports the implementation of all relevant United Nations resolutions affecting the Syrian Golan. The Gambia fully supports the current Middle East peace process and would join Member States in addressing the situation in the Syrian Golan as part of the wider Middle East peace process.

Israel

[Original: English]

1. As the Secretary-General is aware, Israel voted against these resolutions, as well as against similar resolutions adopted by the General Assembly in previous sessions. In the light of the urgent need to bring an end to all acts of violence and terrorism in the region and to return to the agreed negotiating process, Israel wishes to put on record, once again, its position on this matter.

2. Israel views the aforementioned General Assembly resolutions as unbalanced documents that threaten to prejudge the outcome of the Middle East peace process. The one-sided approach reflected in these resolutions undermines a fundamental

principle of the peace process, according to which the achievement of a just and lasting peace in the region is possible only through direct bilateral negotiations.

Japan

[Original: English]

1. The steps taken by the Government of Japan concerning the implementation of the relevant provisions of resolutions 56/31 and 56/32 adopted by the General Assembly on 3 December 2001 under the agenda item entitled "The situation in the Middle East" are described below.

(a) Resolution 56/31

2. It is the view of the Government of Japan that the Basic Law of Israel of 1980 gives ex post facto legal approval to the annexation of East Jerusalem, which Israel occupied in 1967, and that such a unilateral change to the legal status of an occupied territory is in violation of the relevant United Nations resolutions and cannot be recognized.

3. The Government of Japan considers that, as agreed in the Oslo Accords, the status of Jerusalem should be determined through the permanent status negotiations between the Israelis and the Palestinians, and that until a solution is achieved through such negotiations both parties should refrain from taking any unilateral actions relating to the situation in Jerusalem. The Government of Japan does not have an establishment in Jerusalem; its Embassy is in Tel Aviv.

4. The vicious cycle of violence has been continuing on the ground for nearly two years, and little progress has been seen in the dialogue towards peace between the parties. The Government of Japan has called for self-restraint and dialogue on the part of both parties. It also has extended economic assistance to the Palestinians for their nation-building efforts, in particular in the field of human resources development in support of the Palestinian Authority reforms, which are indispensable to realizing a vision of two States living side by side within secure and recognized borders as well as achieving a just and lasting peace in the Middle East. The Government of Japan will actively continue these efforts.

(b) Resolution 56/32

5. In response to the passage by the Knesset in 1981 of legislation concerning the annexation of the Golan Heights, the Government of Japan issued the following statement by the Minister for Foreign Affairs on 15 December 1981. The fundamental position conveyed therein has not changed.

> "(a) The Knesset adopted the legislation which in effect annexes the Golan Heights on 14 December 1981. Japan cannot condone such a unilateral change to the legal status of an occupied territory by Israel, following the annexation of East Jerusalem in July 1980, which is in total violation of international law and United Nations Security Council resolutions 242 (1967) and 338 (1973).
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> "(b) The Government of Japan is deeply concerned that such an action would not only impair the atmosphere that exists for the settlement of the

Arab-Israeli conflicts through peaceful means, but would also heighten tension in the region.

"(c) On this occasion, the Government of Japan reiterates its strong demand that Israel withdraw from all the territories occupied in 1967 as early as possible."

6. Since February 1996, the Government of Japan has been dispatching a 45-member contingent to the United Nations Disengagement Observer Force (UNDOF) operating in the Golan Heights.

Syrian Arab Republic

[Original: Arabic]

1. The Syrian Arab Republic supported General Assembly resolution 56/32, entitled "The Syrian Golan", and once again stresses the absolute necessity of Israel's ending its occupation of the Syrian Golan and complying with Security Council resolution 497 (1981) of 17 December 1981. In the resolution, the Assembly regarded Israel's decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights as being null and void and without legal effect. It demanded that Israel rescind its decision forthwith and abide by the relevant resolutions of the General Assembly on the Syrian Golan, including resolution 56/63 of 10 December 2001, particularly paragraphs 2, 3, 4 and 5 thereof, in which the Assembly called upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan; called upon Israel to desist from the establishment of settlements and determined that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purported to alter the character and legal status of the occupied Syrian Golan were null and void and constituted a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and had no legal effect; and called upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and from taking repressive measures against the Syrian population of the Golan.

2. The Syrian Arab Republic also affirms its support for resolution 56/31, entitled "Jerusalem", and invites the international community to exert pressure on Israel to end its occupation of the Arab territories that it occupied in 1967, including Jerusalem, and to abide by Security Council resolution 478 (1980) of 20 August 1980, in which the Council decided not to recognize the "Basic Law" on Jerusalem enacted by Israel, and determined that the decision of Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem was illegal and therefore null and void and had no validity whatsoever. The Syrian Arab Republic also calls upon all States to abide fully by the provisions of resolution 56/31, in particular the provision in the second preambular paragraph which refers to Security Council resolution 478 (1980) of 20 August 1980, in which the Council called upon those States that had established diplomatic missions in Jerusalem to withdraw such missions from the Holy City and to abide by the provisions of the resolution.

United Arab Emirates

[Original: English]

1. The occupied city of Jerusalem

1. The United Arab Emirates has reiterated in all international circles the Arabic identity of Jerusalem and stressed the importance of resisting the Israeli attempts to profane its Islamic and Christian monuments and turn it into a Jewish city. We have always called upon international society to bring pressure to bear upon Israel to put an end to all such practices. The United Arab Emirates condemns the prosecution of Muslim and Christian religious figures by the Israeli occupying forces and insists on the importance of ensuring freedom of religion in the occupied city of Jerusalem.

2. We also affirm the joint Arabic position which considers the transfer of the American Embassy, or any attempt by any country to transfer its embassy to Jerusalem before reaching a final solution on the status of the city, as illegal and a violation of all international laws. We also confirm our commitment to the resolutions of the Arab Summit, which call for boycotting any country that recognizes Jerusalem as the capital of Israel or transfers its embassy to the city.

3. The United Arab Emirates has funded projects in Jerusalem in the total amount of US$ 6 million, involving providing flooring for the inside of the Al-Aqsa Mosque and furnishing it, as well as opening a 24-hour clinic. We also repaired a number of wells, cemeteries and damaged houses. We funded the construction of a wall around Al-Quds University and provided hospitals in the city of Jerusalem as well as other Palestinian cities with ambulances and medicine. There are further projects to be carried out in the city in the future.

2. The Syrian Arab Golan

4. The United Arab Emirates has, in all international forums, confirmed its support to the Syrian position and its attempts to regain sovereignty over the occupied Arab Golan, and has assured Syria of its solidarity in regaining its rights and freeing its occupied land. The United Arab Emirates has also stressed the importance of exerting all necessary efforts to revive the peace process on all tracks and establishing a just and comprehensive peace in the Middle East region, in accordance with Security Council resolutions 242 (1967), 338 (1973) and 425 (1978), which call for the withdrawal of Israel from all occupied Arab lands, including the occupied Syrian Arab Golan.